

AUG 14 2006

PATENT APPLICATION
Docket No. 40682/298

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No. 5072

Thomas F. Calton

Application No. 10/618,521

Filed: July 11, 2003

For: KNEE BALANCING BLOCK

Group Art Unit: 3733

Examiner: Daniel J. Davis

Date: August 14, 2006

Customer No. 32642

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


This paper is filed in response to the Office Action mailed August 1, 2006, in which the Examiner advised that a previous response to the Office Action mailed June 30, 2006 was "Non-Compliant".

The Listing of Claims begins on page 2 of this paper.

Remarks begin on page 43 of this paper.

SaltLake-281634.3 0040682-00298

AUG 14 2006

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. 40682/298	
Applicant(s): Thomas F. Calton			
Application No. 10/618,521	Filing Date July 11, 2003	Examiner Daniel J. Davis	Group Art Unit 3733
Invention: KNEE BALANCING BLOCK			
<p>I hereby certify that this <u>Supplemental Response to Restriction Requirement</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>August 14, 2006</u> (Date)</p> <p><u>Matthew D. Thayne</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u></u> (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p> <p>Transmitted: Certificate of Transmission by Facsimile (37 CFR 1.8) (1 pg.) Supplemental Response to Restriction Requirement (43 pgs.) Copy of Notice of Non-Compliant Amendment (1 pg.) Transmittal Letter (1 pg.)</p> <p>Total Pages Transmitted: 46 pgs.</p>			

P18/REV02

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AUG 14 2006

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 40682/298									
In Re Application Of: Thomas F. Calton													
Application No. 10/618,521	Filing Date July 11, 2003	Examiner Daniel J. Davis	Customer No. 32642	Group Art Unit 3733	Confirmation No. 5072								
Title: KNEE BALANCING BLOCK													
COMMISSIONER FOR PATENTS:													
Transmitted herewith is:													
<u>Supplemental Response to Restriction Requirement</u>													
<u>Copy of Notice of Non-Compliant Amendment from the PTO</u>													
<u>Transmittal Letter</u>													
<u>Certificate of Transmission by Facsimile</u>													
in the above identified application.													
<input checked="" type="checkbox"/> No additional fee is required.													
<input type="checkbox"/> A check in the amount of _____ is attached.													
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 50-2375 as described below.													
<input type="checkbox"/> Charge the amount of _____													
<input type="checkbox"/> Credit any overpayment.													
<input checked="" type="checkbox"/> Charge any additional fee required.													
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.													
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.													
Signature Matthew D. Thayne Registration No. 52,280 Stoel Rives LLP One Utah Center 201 South Main Street, Suite 1100 Salt Lake City, UT 84111 Telephone: 801-578-6924 Facsimile: 801-578-6999			Dated: August 14, 2006										
cc:			<table border="1"><tr><td colspan="2">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</td></tr><tr><td colspan="2">(Date)</td></tr><tr><td colspan="2">Signature of Person Mailing Correspondence</td></tr><tr><td colspan="2">Typed or Printed Name of Person Mailing Correspondence</td></tr></table>			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____		(Date)		Signature of Person Mailing Correspondence		Typed or Printed Name of Person Mailing Correspondence	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____													
(Date)													
Signature of Person Mailing Correspondence													
Typed or Printed Name of Person Mailing Correspondence													

P18A/REV04

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AUG 14 2006

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/618,521

Examiner

Davis, Daniel J.

Applicant(s)

Thomas F. Calton

Art Unit

3733

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 27 July 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
☐ B. New paragraph(s) should not be underlined.
☐ C. Other _____

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
☐ B. Other _____

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
☐ C. Other _____

☒ 4. Amendments to the claims:

- ☒ A. A complete listing of all of the claims is not present.
☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
☐ E. Other: _____

☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37-CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Lisa Fulton

Legal Instruments Examiner (LIE), if applicable

(571) 272-4348

Telephone No.

U.S. Patent and Trademark Office

Part of Paper No.

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